

**AN ORDINANCE BY
COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE**

AN ORDINANCE AUTHORIZING THE DIRECTOR OF THE BUREAU OF CODE COMPLIANCE TO IMPLEMENT THE RESPECTIVE ORDERS OF THE IN REM REVIEW BOARD FOR PROPERTY LOCATED AT 1239 PLAZA AVENUE, S.W. AND 836 SPENCER STREET, N.W.; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Article III of the Atlanta Housing Code, entitled "In Rem Procedures", and after due notice to any and all owners, parties in interest and persons in possession, hearings were held before the In Rem Review Board on the dates listed below regarding certain structures at the addresses below, which the Director of the Bureau of Code Compliance alleged to be unfit for occupancy or habitation in violation of Article III; and

WHEREAS, at the conclusion of the hearings, the In Rem Review Board determined that, in the case of an Order to Clean & Close, the structure(s) are unfit for occupancy or habitation, and can be improved, repaired or altered at a cost less than 50% or less of the value of the structure(s) after the improvements are made; or that in the case of an Order to Demolish, the structure(s) cannot be repaired, improved or altered at a cost less than 50% of the value of the structures; and

WHEREAS, the In Rem Review Board stated these findings of fact in writing, and served the respective Order upon all owners, parties in interest and persons in possession, directing the owners, parties in interest and persons in possession to comply with the In Rem Review Board's Order within 30 days; and

WHEREAS, the owners, parties in interest and persons in possession failed to comply with the Order of the In Rem Board within the specified time; and

WHEREAS, upon such failure, the In Rem Procedures authorizes the Director of the Bureau of Code Compliance to implement the Order of the In Rem Review Board upon an ordinance to that effect passed by City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That the Director of the Bureau of Code Compliance is hereby authorized to implement the respective Orders of the In Rem Review Board, in accordance with the In Rem Procedures of Article III of the Atlanta Housing Code of 1987 for the structure(s) at the following properties, said properties being more fully described in the attached legal descriptions, and incorporated herein by reference:

Address	Exhibit	Units	Hearing Date	Order
1239 Plaza Avenue, S.W.	A	1	6/26/2008	Demolition
836 Spencer Street, N.W.	B	1	6/26/2008	Clean & Close

SECTION 2: That in accordance with the respective Orders, the Director of the Bureau of Code Compliance is authorized to:

- (1) Vacate the structure (if occupied);
- (2) In the case of an Order to Clean & Close, clean the premises and board the structure(s) in conformity with the In Rem Board's Order;
- (3) In the case of an Order of Demolition, demolish the structure(s) and plant ground cover on the property;
- (4) Maintain the property in conformity with the In Rem Board's Order until the structure(s) are repaired or demolished; and
- (5) File a lien against the real property on which the structure(s) are attached in an amount necessary to recover the costs incurred by the City of Atlanta.

SECTION 3: That all Ordinances and parts of Ordinances in conflict herewith are hereby waived to the extent of the conflict.

Return Recording to:
Debra Conner.
[City of Atlanta
Bureau of Code Compliance
Suite 3450
Atlanta, Georgia 30303]

BEFORE THE CITY OF ATLANTA IN REM REVIEW BOARD

CITY OF ATLANTA, ACTING)	
THROUGH TIM HARDY, DIRECTOR)	
OF THE BUREAU OF CODE)	
COMPLIANCE,)	In Rem No. 07-0021568
)	
Plaintiff,)	
vs.)	
)	
863 SPENCER STREET N.W.,)	
ATLANTA, GEORGIA)	
)	
Defendant)	
)	
INTERESTED PARTIES)	
Ronald Moon)	
Parkway Mortgage, Inc,)	
Conti Mortgage Corporation)	
Select Portfolio Servicing Inc.)	

LIS PENDENS NOTICE

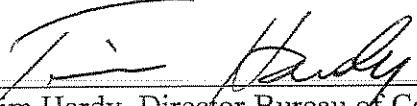
Notice is hereby given pursuant to O.C.G.A. § 44-14-610 that Plaintiff filed an in rem action against the Defendant property on April 11, 2008 with the Secretary to the City of Atlanta In Rem Review Board. Plaintiff seeks an Order from the City of Atlanta In Rem Review Board, an administrative body exercising quasi-judicial authority under O.C.G.A. § 36-61-11 and Sec. 30 of the City of Atlanta Housing Code, for either the cleaning & closing or the demolition of the structure(s) located on real property at 863 SPENCER STREET N.W. ATLANTA, GEORGIA said real property being more fully described as following:

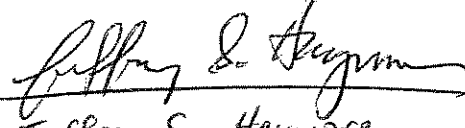
COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SCIPLE (NOW SPENCER)
STREET AND MCCARTY STREET; RUNNING THENCE WEST IN THE NORTH
SIDE OF SPENCER STREET FORTY ONE AND FIVE TENTHS (41.5) FEET;
THENCE NORTH ONE HUNDRED FIVE (105) FEET; THENCE EAST FORTY
ONE AND FIVE TENTHS (41.5) FEET TO MCCARTY STREET; THENCE
SOUTH ON THE WEST SIDE OF MCCARTY STREET ONE HUNDRED FIVE
(105) FEET TO THE POINT OF BEGINNING; BEING LOT 25 OF THE SERVICE
REALTY CO. PROPERTY AS SHOWN ON PLAT BY L.H. FITZPATRICK.C. E.,
RECORDED IN PLAT BOOK 10. PAGE 3. FULTON COUNTY RECORDS, AND
BEING IMPROVED PROPERTY KNOWN AS NO. 863 SPENCER STREET N. W.

This 2 day of JUNE, 2008.

City of Atlanta Bureau of Code Compliance
55 Trinity Street, Suite 3450
Atlanta, Georgia 30303


Tim Hardy, Director Bureau of Code
Compliance


Jeffrey S. Haymore
Associate City Attorney
Ga. Bar No. 142479

Return Recording to:
Debra Conner
[City of Atlanta
Bureau of Code Compliance
55 Trinity Ave.
Suite 3450
Atlanta, Georgia 30303

BEFORE THE CITY OF ATLANTA IN REM REVIEW BOARD

CITY OF ATLANTA, ACTING)	
THROUGH TIM HARDY, DIRECTOR)	
OF THE BUREAU OF CODE)	
COMPLIANCE,)	
)	
Plaintiff,)	In Rem No.07-0023130
vs.)	
)	
1239 PLAZA AVENUE S.W. ATLANTA,)	
GEORGIA)	
Defendant)	
)	
INTERESTED PARTIES)	
Emma. L. Jordan)	
Vesta Holdings I, LLC As Nominee for)	
Heartwood 11, LLC)	
)	

LIS PENDENS NOTICE

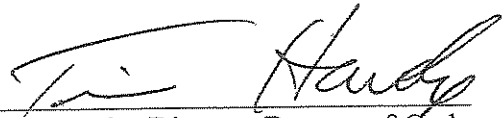
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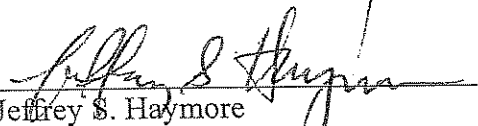
H. T. MCDANIEL ESTATE, AND MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

COMMENCING AT A POINT ON THE NORTH SIDE OF BUSH
MOUNTAIN AVENUE, 262 FEET WEST OF THE NORTHWEST CORNER OF
BUSH MOUNTAIN AVENUE AND KILDRIDGE AVENUE, AND RUNNING
THENCE WEST ALONG THE NORTHSIDE OF BUSH MOUNTAIN AVENUE 50
FEET; THENCE NORTH 140 FEET TO A 10-FOOT ALLEY; THENCE EAST
ALONG THE SOUTH SIDE OF SAID ALLEY 50 FEET; THENCE SOUTH 140 FEET
TO SOUTH BUSH MOUNTAIN AVENUE, AT THE POINT OF BEGINNING:

BEING IMPROVED PROPERTY KNOWN AS #1239 PLAZA AVE.
SOUTHWEST (FORMERLY 1237 BUSH MOUNTAIN AVENUE), ACCORDING TO
THE PRESENT NUMBERING OF HOUSES IN THE CITY OF ATLANTA.

This 2 day of JUNE, 2008.


Tim Hardy, Director Bureau of Code
Compliance


Jeffrey S. Haymore
Associate City Attorney
Ga. Bar No. 142479

City of Atlanta Bureau of Code Compliance
55 Trinity Street, Suite 3450
Atlanta, Georgia 30303

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development/Human Resources

Caption:

AN ORDINANCE AUTHORIZING THE DIRECTOR OF THE BUREAU OF CODE COMPLIANCE TO IMPLEMENT THE RESPECTIVE ORDERS OF THE IN REM REVIEW BOARD FOR PROPERTY LOCATED AT 1239 PLAZA AVENUE, S.W. AND 836 SPENCER STREET, N.W.; AND FOR OTHER PURPOSES.

Council Meeting Date: November 17, 2008

Requesting Dept.: Planning & Community Development

FAC Confirmed by: N/A

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement). To direct the Department of Planning and Community Development to demolish or clean and close various structures, pursuant to Article III of the Atlanta Housing Code of 1987.

2. Please provide background information regarding this legislation.

This is a public hearing under the Atlanta Housing Code of 1980, Article III, Section 32 held before the In Rem Review Board 2nd Floor City hall, Committee Room 2 at 9:00am on February 28, 2008
The following properties were presented before the In Rem Review Board and the following orders were rendered:

Address	Exhibit	Units	Hearing Date	Order
1239 Plaza Avenue, S.W.	A	1	6/26/2008	Demolition
836 Spencer Street, N.W.	B	1	6/26/2008	Clean & Close

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Professional Services

(b) **Source Selection:**

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*):

Fund: _____ Account: _____ Center: _____

5. Source of Funds: *Example: Local Assistance Grant* General Fund Monies: Consultant
/Professional Fees; CDBG Funds

6. Fiscal Impact:

7. Method of Cost Recovery: Liens placed against property(s) with the Fulton County Clerk of
Superior Court once work is completed by a city-wide contractor.

This Legislative Request Form Was Prepared By: Debra Conner